**THE HON'BLE SRI JUSTICE C.V. RAMULU**

Wednesday, 27th day of December, 2006

**W.P.No.22387 and 26629 of 2006**

**W.P.No.22387 of 2006**

Between:

Dalit Liberation Front, rep. by its

President Marvadi Sudhershan … Petitioner

and

State of A.P., rep. by its

Secretary, Department of

Cooperation, Secretariat,

Saifabad, Hyderabad & others … Respondents

**THE HON'BLE SRI JUSTICE C.V. RAMULU**

**W.P.No.22387 and 26629 of 2006**

**COMMON ORDER:**

**W.P.No.22387 of 2006**

This Writ Petition is filed seeking a Mandamus declaring the action of the respondent-authorities in not proposing to follow the rule of reservation as contemplated under Section 31(1)(b) of the Andhra Pradesh Cooperative Societies Act,1964 (for short 'the Act') as amended from time to time and the Rules framed thereunder and also the Bye-laws of Cooperative Electric Supply Society Limited (CESS), Siricilla as arbitrary and illegal and consequently to direct the respondents to ensure implementation of rule of reservation as per law.

Petitioner is a society called Dalit Liberation Front represented by its President Marvadi Sudhershan. According to the petitioner, the District Election Authority is proposing to hold elections to the Office bearers of the 4th respondent-society on 20-1-2007. However, there is no policy of reserving the seats for different categories of weaker sections of the society as contemplated under Section 31(1)(b) of the Act

read with Rule 22-A.(1) of the A.P. Cooperative Societies Rules,1964 (for short 'the Rules'). It is the duty of the Society to follow the provisions contemplated under Section 31(1)(b) of the Act for the purpose of reserving number of seats for various categories.

Whereas, learned Government Pleader, on instructions, submitted that the 4th respondent-Society is neither aided nor its bye-laws contemplate for providing of reservations and no notification has been issued by the Government as required under Rule 22-A.(2) of the Rules. Therefore, the question of reserving any seats in the Managing Committee of the 4th respondent-society for various categories does not arise.

It is a fact that the bye-laws of the society do not contemplate any reservation of seats in respect of various categories and no notification as required under Rule 22-A.(2) of the Rules has been issued by the Government for the purpose of reserving any seats in respect of the 4th respondent-society. Therefore, it cannot be said that the respondents are not implementing the reservation as contemplated under Section 31(1)(b) of the Act as amended from time to time and the Rules made thereunder and also Bye-law No.9(3) of the Bye-laws of the society. In fact, bye-law No.9(3), even according to the learned counsel for the petitioner, has been amended and stood deleted. Though Section 31(1)(b) of the Act contemplates certain reservations, but they are in respect of certain societies and not to all the societies. They have been enumerated under Rule 22-A.(1) of the Rules. Whereas in respect of other societies, either it should be provided by the bye-laws or notified by the Government as required under Section 31(1)(b) of the Act. In this case, the bye-laws of the 4th respondent-society do not contemplate for reservations nor the society is enumerated under Rule 22-A.(1) of the Rules. There is no separate notification issued as required under Rule 22-A of the Rules. Therefore, the contention of the petitioner that the 4th respondent-Society ought to have followed the rule of reservation while conducting the elections to the office bearers cannot be accepted. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

**W.P.No.26629 of 2006**

For the very same reasons stated in the said Writ Petition, this Writ Petition is also liable to be dismissed.

Accordingly, this Writ Petition is also dismissed. No order as to costs.

27-12-2006

Office to furnish

CC within one week.

(B.O.)

prk